

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6) and 481A.151, the Natural Resource Commission hereby amends Chapter 113, "Restitution for Pollution Causing Injury to Wild Animals," Iowa Administrative Code.

These amendments define "priority watershed" and direct compensation collected for natural resource damages from the vicinity of the loss to priority watersheds selected by the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 30, 2010, as **ARC 8883B**. There were no public comments and no one attended the July 20, 2010, public hearing. These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 456A.23, 481A.2, and 481A.151. These amendments will become effective on October 13, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new definition of "Priority watershed" in rule **571—113.2(481A)**:
"Priority watershed" means a watershed for which:

1. The department of natural resources, in partnership with other state or federal agencies, the agriculture community or nonprofit organizations, creates and implements plans, programs or projects to sustain and enhance watershed and stream functions; and
2. The principal objective is to manage wild animals and their habitats.

ITEM 2. Amend subrules 113.5(1) and 113.5(2) as follows:

113.5(1) Direct monetary payment. Compensation shall normally be by direct monetary payment to the department for projects in priority watersheds selected by the department. To the extent reasonable and practical, the money received will be used to replace, restore or rehabilitate the lost or injured animals. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public ~~and should be in the vicinity of the loss.~~

113.5(2) Indirect monetary payment. In ~~appropriate cases~~ where the destruction of or injury to wild animals is in a selected priority watershed, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in subrule 113.5(1).

ITEM 3. Amend **571—Chapter 113**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 456A.23, ~~and~~ 481A.2 and ~~2002 Iowa Acts, Senate File 2293, section 58~~ 481A.151.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/8/10.